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POLITICAL APPEAL

(Continued from Page 1)

exceeding a rate of six miles," he amended to read simply "an ordinary trot." A slow trot, he suggested, might be more dangerous to the bridge structure than a trot of ten miles an hour.

Mr. Jones (Fourth Kings) referred to the preceding section of the bill, excluding Hillsboro Bridge from the regulations regarding reckless driving across bridges. Why, he asked, exclude Hillsboro Bridge in one section and include it in another?

Premier Campbell: "It gives them the preference of trotting on the Hillsboro Bridge."

Mr. Jones: "We already have that privilege. Signs permitting a speed of twenty miles per hour are posted on the bridge now. Those signs must cost \$20 apiece."

Hon. Mr. McIntyre: "I think that refers to cars."

Mr. Jones: "Who knows whether it refers to cars or horses? It does not state. I suggested yesterday that the whole section be thrown out."

Hon. Mr. McIntyre: "It wouldn't be reasonable to suppose that a horse would trot at the rate of twenty miles an hour."

Mr. Jones: "But the section is a farce; it is not any good. The section was passed in accord with the Premier's amendment."

EXPROPRIATION CLAUSES

Sec. 59 provides that "where it is necessary or expedient to procure material for the construction or repair of the roads or bridges, the Minister, if from the absence or refusal of the owner or possessor of the soil, no agreement can be made with him, may enter with workmen, parts, carriages and horses, or motor trucks upon any unimproved land, and therefrom for the construction, repair or protection of the roads or bridges, dig up and carry away stone, clay and gravel, and cut, down or carry away trees (except ornamental or fruit trees), bushes, logs, poles and brushwood in a manner least prejudicial to the owners."

Hon. Mr. LePage referred to the Rustico Highway. The people were so pleased at getting the new highway that with one or two exceptions they gave their property free. "If we are going to build improved highways," he added, "the first thing that must be done is to obtain sufficient land to build adequate gutters. All governments have been hampered up to the present time, by somebody holding out for so much money. The government should be able to take land they want to use for the Crown, and give a man a certain amount for it. In a great many cases there is no need of buying it. Those roads were originally 60 feet wide; that is the width provided for in the Act. This Act will enable the government to deal with those people without appealing to the Court. The government is supposed to have lots of money and when they appeal to the court, those people usually get what they ask. I don't think that is a fair way. It should be left to the government as a court of final appeal—or to the Legislature, I should say."

Mr. Hughes (Fifth Kings) cited a case where there was no question as to the width of the road, and on two occasions he had had to see an attorney to protect his property interests because the road masters encroached with their machines.

Mr. Saville (Fifth Kings) cited similar cases from his experience.

Mr. MacKinnon (Second Kings) asked if the government today could compel a farmer to keep his fences back to the original line.

Hon. Mr. McIntyre: "I would say no."

Mr. Jones: "Suppose one man puts his fences back to the right width and his neighbors fail to do so. Will the others be compelled to follow suit?"

Hon. Mr. McIntyre: "They should be in all cases. I may say that I had a case opposite my hon. friend's own place; we wanted to widen the road and I believed he gave the

land free. But I think further down the road it became narrower."

Mr. Jones: "A 30 ft. right-of-way. It should be 40 feet. Hon. Mr. McIntyre: 'If it should be 40 feet I would say that the government would be justified in widening that road to the proper width without any compensation to those owning the land.'"

STRONG PROTESTS VOICED

Section 61 provides that "if the owner of such lands or materials refuses to accept the sum so offered, he shall have the right of appeal from the valuation of the said Minister to the Executive Council, whose valuation shall be conclusive and final."

Mr. Hughes: "Isn't that a very arbitrary clause to enact? The owner if not satisfied with the Minister's decision must take his protest to the Executive Council of which the Minister is a member. There is no real appeal there from the minister. Put it to the County Court, or a board of arbitrating, or a board consisting of one man appointed by the government, one by the owners, and one man appointed by the judges of the County Court if the others cannot agree upon a third party. Give at least some chance to the man who is appealing."

Hon. Mr. McIntyre: "I think it will work out satisfactorily. The minister in every case would use his best judgment as to what the value of the land was. The County Courts—when it comes to a government paying a bill—have no regard for what price is paid on the land. I had experience in the last few months in this regard. I have a fairly good idea what land is worth and I consider that the offer that I made was much higher than the government offered that put through the road. I think that offer was \$50. It was only five or six chains across. I thought it worth probably \$125; not any more."

When he appealed to the County Court and the County Court gave them \$300. That comes from the Belfast District. I don't think that was just—I may not say that" (laughter) "but the land was worth it. So I think it will be more satisfactory if the appeal is made to the government and we will get clear of paying more than what we think the land is worth."

Mr. MacKinnon (Fourth Kings): "I think the man's final appeal should be to the Court and not rest at the pleasure of any government. You will find a good deal of criticism on this point if you take the right of appeal away from the court and place it with the government. You will probably be giving your own political supporters a little better value than the man who opposed you. I am not disputing the valuation Mr. McIntyre put in the case in question. But in some cases it is not a question of the value of land, but of damages. If you put a man in a position where he has to cut up his fields, and has to make two gates and culverts, you must figure on the inconvenience and extra cost. I don't want to see a man's right of appeal taken away from him."

Mr. Hughes: "It is not the value of the land for agricultural purposes at all that is in question. An acre of land off the back of a man's farm might be worth very little. When the present Senator John A. MacDonald was Minister of Public Works in this Legislature I arranged to sell a certain piece of property to the Government for what I thought was a reasonable figure, and what he and the engineers of the Department considered a reasonable figure. But I was in an entirely different position to my neighbor for the road went within three or four feet of his house and barn. That man simply couldn't sell without getting sufficient to dig a new cellar and haul his horse across. You cannot take a certain stretch and say what it is worth without considering every factor, and I submit that you are going to get into a lot of trouble if we don't have some authority that is recognized everywhere as non-political and impartial. I shall have to vote against the clause as it stands."

Hon. Mr. McIntyre: "This provides that the Executive Council may refer the matter to one or more arbitrators."

Mr. Hughes: "May! It is at their discretion, that is the trouble."

Hon. Mr. McIntyre cited a case where the Government offered \$1,500 for land needed for building a breastwork. "We considered it was half the value of his whole farm but he held us up and wanted us to pay two or three thousand dollars, which I considered would be almost the total value of the farm."

Mr. Hughes: "Would any board of arbitration or court be likely to give him more than \$1,500?"

Hon. Mr. McIntyre: "I doubt whether they would give him \$1,500 for it."

Mr. Hughes: "Then why object to taking the case before them?"

Hon. Mr. McIntyre: "I say I doubt, I don't know whether they would or not."

Mr. Acorn referred to Clause 63, which provides: "The compensation to which an owner shall be entitled for lands taken for public roads under this Act, shall comprise the value of the land taken, the damage to the land of the owner directly caused by such roads or alteration, including where a new road is laid out, the cost of fencing the roadway after deducting any benefit accruing to the land of the owner by reason of the construction of the new road or alteration." No one, Mr. Acorn suggested, could fairly object to a settlement under those conditions.

Mr. Hughes: "Provided it was made by an impartial tribunal."

After recess, the committee resumed its sitting. Mr. MacKinnon stated he wished to withdraw his objection to Sec. 61 in view of the provision made in Sec. 63.

Mr. Hughes: "I am afraid, as it is now, you will have to carry it on division; it need not necessarily mean dividing the House."

The chairman accordingly put the motion that Sec. 61 should carry. A chorus of "Ayes" opposed the motion. Mr. Hughes, the chairman, then called for a show of hands. Messrs. Hughes, McKay and Saville raised their hands in opposition, the others signifying their approval in the same manner. The members in the House at the time who voted were Premier Campbell, Hon. Mr. McIntyre, Hon. J. A. Campbell, Hon. Mr. LePage, Messrs. Wright, Cox, Mustard, Annear, McIsaac and Barbour.

The bill, after some further discussion, was reported agreed to with amendment.

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THE CENTRAL GUARDIAN

This column is reserved for news of local interest but advertising of a noisy nature may be inserted at 4 cents a word strictly payable in advance.

CONFEDERATION LIFE INSURANCE. L-6798-7-12-312.

CRAWELL FOR PHOTOGRAPHS. L-3494-3-28-11.

PREACHING SERVICE at Murray River Sunday, April 5th at 7. Louis Harris. L-3520-4-3-11.

CAVENDISH Pastoral Charge. Church Services for April 5th. 11 A. M. Cavendish, 3 P. M. New Glasgow. Rev. W. A. Paterson, Minister. L-3495-4-3-11.

THE PRESBYTERIAN CHURCH SERVICES, Sunday, April 5th.—Cuddigan 11:00 A. M., Lorne Valley 2:30 P. M., Montague 7:00 P. M. The Minister at all services. L-3524-4-3-11.

ASK FOR GARDEN CITY Chocolate Drink. L-3471-4-1-31.

CHURCH OF SCOTLAND.—Rev. Ewen MacDougall will preach Sabbath 5th at Summerside at 10:30 A. M. and Cape Traverse at 3 P. M. Also Wednesday 8th in Peoples Church City at 7:30 P. M. L-3513-4-3-11.

SUNDAY SERVICES.—New Glasgow 11:00 A. M., Braddabane 3:00 P. M., Fredericton 7:30 P. M. Rev. Wm. G. Quigley, Minister. L-3512-4-3-11.

GETS APPOINTMENT — Mr. Albert Edward Lavers, has been appointed C. N. B. Section foreman at York Mr. Lavers belongs to one of the oldest and most highly respected families of Georgetown.

Dance Recital by Pupils of VERA WILLIAMS and FASHION PARADE by HOYT'S Prince Edward Theatre Friday, May 1st.

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SCOUT FLASHLIGHTS COMPLETE 69c WE DELIVER

Estates of Intestates On motion of Premier Campbell the House went into committee with Mr. Stewart in the chair on "An Act to amend the law and regulate the distribution of estates of intestates."

Premier Campbell explained that the old Act was passed in 1873 and contained a typographical error which was only discovered in the courts last year. The bill substitutes the word "intestate" for the erroneous word "testator."

It was agreed to without discussion.

Judicature Act On motion of Premier Campbell the House went into committee with Mr. Wright in the chair, on an Act to amend the Judicature Act.

Premier Campbell said the present Act was held to be ambiguous with regard to the jurisdiction of the Stipendiary Magistrates. And it was proposed to clarify this situation.

Sec. 1 provides that the Stipendiary Magistrates under the Act "shall, have jurisdiction in cases arising in incorporated cities and towns within their respective counties, including the City of Charlottetown and the town of Summerside, notwithstanding anything contained in any statute of this Province relating to the exclusive jurisdiction of the Stipendiary Magistrate of such city or town."

Mr. Barbour (Second Prince) said that not long ago the temperance people had met with the Government and complained of the failure of the police in Charlottetown to cooperate in enforcing the Prohibition Act. Similar complaints have been made with regard to the Summerside police. "It seems to me," continued Mr. Barbour, "that the Government is doing something here to prevent that co-operation. I was talking to the Mayor and one of the councillors of Summerside and I asked if they were asking for this, and if their Magistrate was satisfactory. They said they were not asking for this Government In Prohibition charges a fee. The town policeman who serves the summons also charges a fee. In a town like Summerside everything counts, and I would be one that wouldn't care to cast a cloud or shadow over a Magistrate when there is no real complaint against him that I know of."

Premier Campbell: "I think this is entirely out of order. There is no shadow cast on any Magistrate. I move that the Speaker take the chair and that the chairman report progress and ask leave to sit again." Motion carried.

Land Assessment On motion of Premier Campbell the House went into committee, with Mr. Mustard in the chair, on an Act to amend the Land Assessment Act 1924."

The bill amends the existing statute by adding as Section 42 the following: "If, upon the appeal of any person convicted of an offence based upon the law and authority of this Province or a municipality thereof, the said appeal be allowed by the Supreme Court of Judicature with costs against the prosecutor, the court shall order the appellant to pay the Crown, or against any peace officer or public officer, shall not exceed the sum of \$50.00, unless the Court or Judge allowing such appeal shall certify that the charge whereof the appellant was convicted has already been brought or prosecuted."

Premier Campbell explained that it is the general rule in cases where the accused is acquitted, though he may have been put to considerable expense the Crown is not obliged to pay these expenses. In appeal cases before the Supreme Court, however, the costs of appeal are sometimes allowed. The Government is sometimes called upon to pay costs amounting to \$200 or \$300. The bill was agreed to without amendment.

JAIL PRISONERS' REMOVAL On motion of Premier Campbell the House went into committee with Mr. Wright in the chair on "An Act to amend an Act to provide for the removal of prisoners from or surgical treatment in certain cases."

The Premier explained that the existing Act provides for the removal of provincial prisoners only. The bill extends this authority to cover prisoners confined on Dominion offenses as well.

It was agreed to without amendment.

Joint Stock Companies Act On motion of Premier Campbell the House went into committee, with Mr. MacPhee in the chair, on an Act to amend the Joint Stock Companies Act.

The bill makes several minor amendments in the existing statute. Premier Campbell explained that next summer it was proposed to call a Dominion-Provincial conference for the purpose of drafting uniform Joint Stock Companies legislation for all the Provinces.

The bill was agreed to without amendment.

R. C. M. P. ACT On motion of Premier Campbell the House went into committee with Mr. Acorn in the chair on an Act to amend the Royal Canadian Mounted Police Act.

The amendment, the Premier explained, is necessitated by reason of the fact that the agreement with the Royal Canadian Mounted Police expired last June. The bill continues the constabulary powers during the continuance of any extension of the agreement or substituted agreement entered into between the Dominion Government and this Province.

It was agreed to without amendment or discussion.

Highway Traffic Act On motion of Premier Campbell the House went into committee with Mr. Stewart in the chair on an Act to consolidate and amend the Highway Traffic Act 1936.

Premier Campbell explained that the bill—which runs to 27 typed pages—represents a consolidation of all the numerous past amendments, and it would be more serviceable both to the authorities and to the public in this compact form.

After discussing and adopting the definitions, progress was reported on the bill.

The House adjourned until 10:30 p. m. today.

Trinity United Church FRIDAY, APRIL 3 7:00 P. M.—Choir Rehearsal—Hearts Hall. 8:00 P. M.—Young People's Society—Social Hall.

VANCOUVER PIONEER DIES VANCOUVER—Capt. Edwin Sayre Scouler, last commanding officer of the New Westminster Rifle, the first infantry unit on the B. C. mainland, is dead here. During celebration of the 1897 Jubilee he chartered a steamer at his own expense and brought his unit to Victoria to take part in the festivities.

FOUND LONELY MAN IN DESTITUTION CALGARY, April 2—(C.P.)—In an unheated shack during sub-zero temperatures Alexander Mathewson, of Cremona, Alta., lay for several days last week refusing medical attention and prohibiting neighbors from lighting a fire for him, according to reports obtained by police, it was learned here today. Finally neighbors appealed to police and Mathewson was brought to hospital here. It was found necessary to amputate both feet Tuesday.

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SAINT JOHN-FREDERICTON-MONCTON-AMHERST-CHARLOTTETOWN

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